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# UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION at CINCINNATI

	WEST	DIVIDIOI	tat CII (CII	111/111
In re	MARTINO M. WILSON	)	Case No.	17-12075
		)		
		)	Chapter 13	
		)	Judge	Beth A. Buchanan
	Debtor(s)			
1. NOT	ICES	CHAPTER 13	3 PLAN	
"Debtor "§" nun of Bank	" means either a single debtor or jo nbers refer to sections of Title 11 of ruptcy Procedure.	oint debtors as app the United States	olicable. "Tru s Bankruptcy	ocal Bankruptcy Rule ("LBR") 3015-1. stee" means Chapter 13 Trustee. Section Code. "Rule" refers to the Federal Rules
Unless of	otherwise checked below, the Debtor  Debtor	-	lischarge und l <b>igible</b> for a c	
	☐ Joint Debtor		O	or a discharge.
adverse 2(a). An bold, ita  If an ite  This	ly affect any party, the Amended Pl ny changes (additions or deletions) alics, strike-through or otherwise in t om is not checked, the provision will a Plan contains nonstandard provi	an shall be accomfrom the previous the Amended Plar be ineffective if some in Paragra	ppanied by the sly filed Plan a filed with the set out later in ph 13.	
NOTIC Provisi modific include confirm	ons). Upon confirmation, you will ed, or eliminated. Unless otherwise a valuation hearing under § 506 anation is filed within fourteen (14) ended Plan, objections must be file	d read this Plan of be bound by the e ordered by the and Rule 3012. T	carefully, inc terms of this Court, the co the Court ma 341 Meeting	luding Paragraph 13 (Nonstandard Plan. Your claim may be reduced, onfirmation hearing in this case shall by confirm this Plan if no objection to of Creditors is concluded or, if this is aty-one (21) day notice. LBR 3015-3
	N PAYMENT AND LENGTH			
	<b>Payment.</b> The Debtor shall pay to ts below, if any.] The Debtor shall c			
2.1.1 St	tep Payments, if any:			
2.2 Uns	ecured Percentage.			
	entage Plan. Subject to Paragraph % on each allowed nonpriority unse		not complete	e earlier than the payment of

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Pot Plan. Subject to Paragraph 2.3, the total amount to be paid by the Debtor to the Trustee is  Assuming all claims are filed as scheduled or estimated by the Debtor, payment on each
allowed nonpriority unsecured claim is estimated to be no less than%. LBR 3015-1(c)(2).
2.3 Means Test Determination.
☐ <b>Below Median Income.</b> Unless the allowed nonpriority unsecured claims are paid 100%, the projected length of the plan must be a minimum of thirty-six (36) months but not to exceed sixty (60) months.
☑ <b>Above Median Income.</b> Unless the allowed nonpriority unsecured claims are paid 100%, the projected

# 3. PRE-CONFIRMATION LEASE PAYMENTS AND/OR ADEQUATE PROTECTION PAYMENTS

Pre-confirmation personal property lease payments governed by § 1326(a)(1)(B) shall be made as part of the total plan payment to the Trustee. LBR 3070-1(a). Pre-confirmation adequate protection payments governed by § 1326(a)(1)(C) shall be made as part of the total plan payment to the Trustee. LBR 3070-1(b). The lessor/secured creditor must file a proof of claim to receive payment. LBR 3070-1(a) and (b).

	Name of Lessor/Secured Creditor	Property Description	Monthly Payment Amount	

### 4. VALUATION OF REAL PROPERTY

length of the Plan must be sixty (60) months.

Unless otherwise stipulated by the parties or ordered by the Court, real property shall be valued at the amount set forth in the filed appraisal. If no objection is timely filed, the value of the real property set forth in the filed appraisal will be binding upon confirmation of the Plan. If a creditor files a timely objection to valuation of real property pursuant to LBR 3015-3(a), the confirmation hearing shall include a valuation hearing under § 506 and Rule 3012, unless otherwise ordered by the Court.

### 5. PAYMENTS TO CREDITORS

#### SUMMARY OF PAYMENTS BY CLASS

Class	Definition	Payment/Distribution by Trustee
Class 1	Claims with Designated Specific Monthly Payments	Paid first in the monthly payment amount designated in the Plan
Class 2	Secured Claims with No Designated Specific Monthly Payments and Domestic Support Obligations (Arrearages)	Paid second and pro rata with other Class 2 claims
Class 3	Priority Claims	Paid third and pro rata with other Class 3 claims
Class 4	Nonpriority Unsecured Claims	Paid fourth and pro rata with other Class 4 claims
Class 5	Claims Paid by a Non-Filing Co- Debtor or Third Party	Not applicable
Class 6	Claims Paid by the Debtor	Not applicable

Except as provided in Paragraph 3, the Trustee shall begin making distributions upon confirmation. To the extent funds are available, the maximum number of Classes may receive distributions concurrently. Notwithstanding the above, the Trustee is authorized within the Trustee's discretion to calculate the amount and timing of distributions as is administratively efficient.

### 5.1 CLASS 1 - CLAIMS WITH DESIGNATED SPECIFIC MONTHLY PAYMENTS

The following Class 1 claims shall be paid first in the monthly payment amount designated below. The plan payment is calculated in an amount that is sufficient for the Trustee to make a full monthly distribution on all Class 1 claims plus the statutory Trustee fee. If the Debtor makes a payment that is less than the full plan payment amount, the Trustee will make distributions on Class 1 claims in the order of priority set forth in the Bankruptcy Code.

### 5.1.1 Maintenance of Regular Mortgage Payments

Regular mortgage payments shall be calculated for payment starting the month after the filing of the petition. Arrearages shall be paid as Class 2 claims.

#### Trustee disburse.

Name of Creditor	Property Address	Residence (Y/N)	Monthly Payment Amount	
Wells Fargo Home Mortgage	6517 Greentree Drive, Cincinnati, OH 45224	¥	\$1,110.00	

**Debtor direct pay.** Unless otherwise ordered by the Court, regular monthly mortgage payments may only be paid directly by the Debtor if the mortgage is current as of the petition date. LBR 3015-1(e)(1).

	Name of Creditor	Property Address		Monthly Payment Amount	
	Wells Fargo Home Mortgage	6517 Greentree Drive, Cincinnati, OH 45224	Y	\$1,110.00	

#### 5.1.2 Modified Mortgages and/or Liens Secured by Real Property ["Cramdown/Real Property"]

The following claims are subject to modification as (1) claims secured by real property that is not the Debtor's principal residence, (2) claims secured by other assets in addition to the Debtor's principal residence, or (3) claims for which the last payment on the original payment schedule for a claim secured only by a security interest in real property that is the Debtor's principal residence is due before the date on which the final payment under the plan is due. 11 U.S.C. §§ 1322(b)(2), (c)(2). To the extent that a claim is in excess of the value of the property, the balance in excess of the value of the property shall be treated as a Class 4 nonpriority unsecured claim.

Name of Creditor	Property Address	1 2	Minimum Monthly Payment	
		\$		
		☐ Appraisal Filed		
		☐ Appraisal		
		forthcoming		

# 5.1.3 Claims Secured by Personal Property for Which § 506 Valuation is Not Applicable ["910 Claims/Personal Property"]

The following claims are secured by a purchase money security interest in either (1) a motor vehicle acquired for the Debtor's personal use within 910 days of the petition date or (2) personal property acquired within one year of the petition date. The proof of claim amount will control, subject to the claims objection process.

	Name of Creditor	Property Description		Estimated Claim Amount	Unterest	Minimum Monthly Payment Including Interest	
	Belden Jewelers/ Sterling Jewelers, Inc.	Wedding bands and engagement ring	February, 20	\$5,339.27	5%	\$90.00	

# 5.1.4 Claims Secured by Personal Property for Which § 506 Valuation is Applicable ["Cramdown/Personal Property"]

The following claims are secured by personal property not described above in Paragraph 5.1.3. Unless otherwise stipulated by the parties or ordered by the Court, the property shall be valued for purposes of § 506 at the lower of the creditor's representation on its proof of claim or the Debtor's representation below. LBR 3012-1(a). To the extent that a claim is in excess of the value of the property, the balance in excess of the value of the property shall be treated as a Class 4 nonpriority unsecured claim. If a creditor files a timely objection to the valuation of the property, the confirmation hearing shall include a valuation hearing under § 506 and Rule 3012 unless otherwise ordered by the Court.

	Name of Creditor	Property Description	Purchase/ Transaction Date	Value of Property	Interest Rate	Minimum Monthly Payment Including Interest	

# 5.1.5 Domestic Support Obligations (On-Going) - Priority Claims under § 507(a)(1)

If neither box is checked, then presumed to be none.

☐ Trustee disburse
□ Debtor direct pay
The name of any holder of any domestic support obligation as defined in § 101(14A) shall be listed below. If the Debtor becomes subject to a domestic support obligation during the Plan term, the Debtor shall notify his or her attorney and the Trustee.

	Name of Holder	State Child Support Enforcement Agency, if any	Monthly Payment Amount	

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# 5.1.6 Executory Contracts and/or Unexpired Leases

The Debtor rejects the following executory contracts and/or unexpired leases.

# Notice to Creditor of Deadline to File Claim for Rejection Damages:

A proof of claim for rejection damages must be filed by the creditor within sixty (60) days from the date of confirmation of the Plan. Rule 3002(c)(4). Such claim shall be treated as a Class 4 nonpriority unsecured claim.

Name of Creditor	Property Description	

The Debtor assumes the following executory contracts and/or unexpired leases. Unless otherwise ordered by the Court, all motor vehicle lease payments shall be made by the Trustee. LBR 3015-1(d)(2). Any prepetition arrearage shall be cured in monthly payments prior to the expiration of the executory contract and/or unexpired lease. The Debtor may not incur debt to exercise an option to purchase without obtaining Trustee or Court approval. LBR 4001-3.

#### Trustee disburse.

	Property Description	Payments Remaining as of	Monthly Contract/Lease Payment	as of	Contract/Lease Termination Date	

# Debtor direct pay.

	Property Description	Payments Remaining as of	Monthly Contract/Lease Payment	as of	Contract/Lease Termination Date	

## **5.1.7** Administrative Claims

The following claims are administrative claims. Unless otherwise ordered by the Court, requests for additional attorney fees beyond those set forth below will be paid after the attorney fees set forth below and in the same monthly amount as set forth below. LBR 2016-1(b).

	Name of Claimant	Total Claim		Minimum Monthly Payment Amount	
	Amourgis & Associates	\$3,500.00	\$2,500.00	\$100.00	

# 5.2 CLASS 2 - SECURED CLAIMS WITH NO DESIGNATED MONTHLY PAYMENTS AND DOMESTIC SUPPORT OBLIGATIONS (ARREARAGES)

# 5.2.1 Secured Claims with No Designated Monthly Payments

The following claims are secured claims with no designated monthly payments, including mortgage arrearages, certificates of judgment and tax liens. The proof of claim amount shall control, subject to the claims objection process. Class 2 claims shall be paid second and shall be paid pro rata with other Class 2 claims.

	Name of Creditor	Estimated Amount of Claim					
5.2.2 Domestic Support Obligations (Arrearages) - Priority Claims under § 507(a)(1)							
□Tr	rustee disburse						
□De	ebtor direct pay						
	•	y domestic support obligation arrearage claim or claim assigned to or owed to a imated arrearage amount shall be listed below.					
	Nama of Holder	State Child Support Enforcement Agency, if					

#### **5.3 CLASS 3 - PRIORITY CLAIMS**

Name of Holder

Unless otherwise provided for in § 1322(a), or the holder agrees to a different treatment, all priority claims under § 507(a) shall be paid in full in deferred cash payments. § 1322(a). Class 3 claims shall be paid third and shall be paid pro rata with other Class 3 claims.

Estimated Arrearage

# 5.4 CLASS 4 - NONPRIORITY UNSECURED CLAIMS

any

Allowed nonpriority unsecured claims shall be paid a dividend as provided in Paragraph 2.2. Class 4 claims shall be paid fourth and shall be paid pro rata with other nonpriority Class 4 claims.

### 5.4.1 Wholly Unsecured Mortgages/Liens

The following mortgages/liens are wholly unsecured and may be avoided. The Debtor shall file a motion for any mortgage/lien to be avoided. The motion shall be filed on or before the § 341 meeting of creditors and shall be served pursuant to Rule 7004. The confirmation hearing may be rescheduled if a timely motion is not filed. Optional form motions and orders are available on the Court's website at www.ohsb.uscourts.gov.

Name of Creditor	Uı	mount of Wholly insecured fortgage/Lien	Property Address	Value of Property	Total Amount of SENIOR Mortgage/Liens	
				\$		
				☐ Appraisal Filed ☐ Appraisal		
				forthcoming		

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# 5.4.2 Judicial Liens Impairing an Exemption in Real Property

The following judicial liens impair the Debtor's exemption in real property and may be avoided under § 522(f)(1) (A). The Debtor shall file a motion for any judicial lien to be avoided. The motion shall be filed on or before the § 341 meeting of creditors and shall be served pursuant to Rule 7004. The confirmation hearing may be rescheduled if a timely motion is not filed. Notwithstanding the foregoing, if a judicial lien is discovered after confirmation of the plan, a motion to avoid the judicial lien may be filed promptly after the judicial lien is discovered. Optional form motions and orders are available on the Court's website at www.ohsb.uscourts.gov.

Name of Creditor	ппанстат	Property Address	1 ,	Amount of Exemption	Total Amount of all OTHER	Amount of Judicial Lien to be Avoided	
			\$				
			☐ Appraisal Filed				
			☐ Appraisal				
			forthcoming				

# 5.4.3 Mortgages to be Avoided Under 11 U.S.C. § 544

The following debts secured by a mortgage will be paid as unsecured claims concurrent with other Class 4 claims. The Debtor or the Trustee shall file an adversary proceeding to determine whether the mortgage may be avoided. To the extent that the Trustee has standing to bring such action, standing is hereby assigned to the Debtor, provided a colorable claim exists that would benefit the estate.

	Name of Creditor	Action to be Filed By	Address of Property	
		□ Debtor		
		□Trustee		

# 5.5 CLASS 5 - CLAIMS PAID BY A NON-FILING CO-DEBTOR OR THIRD PARTY

The following claims shall <u>not</u> be paid by the Trustee or the Debtor but shall be paid by a non-filing co-debtor or third party.

Na	ame of Creditor	Name of Payor	

# 5.6 CLASS 6 - CLAIMS PAID DIRECTLY BY THE DEBTOR

The following claims shall not be paid by the Trustee but shall be paid directly by the Debtor.

Name of Creditor	Monthly Payment Amount	

### 6. SURRENDER OF PROPERTY

The Debtor elects to surrender the following property to the creditor that is collateral for the creditor's claim. Upon confirmation of the Plan, the stay under § 362(a) shall be terminated as to the surrendered property only.

Name of Creditor	Description of Property	

#### 7. INTEREST RATE

Unless otherwise stipulated by the parties, ordered by the Court or provided for in this Plan and except for claims treated in paragraph 5.1.1, secured claims shall be paid interest at the annual percentage rate of \_5\_% based upon a declining monthly balance on the amount of the allowed secured claim. Interest is included in the monthly payment amount. See Till v. SCS Credit Corp. (In re Till), 541 U.S. 465 (2004).

☐ **This is a solvent estate.** Unless otherwise provided, all nonpriority unsecured claims shall be paid in full with interest at \_\_\_\_\_\_ % from the date of confirmation. If this box is not checked, the estate is presumed to be insolvent.

### 8. FEDERAL INCOME TAX RETURNS AND REFUNDS

#### 8.1 Federal Income Tax Returns

If requested by the Trustee, the Debtor shall provide the Trustee with a copy of each federal income tax return filed during the Plan term by April 30 of each year.

### 8.2 Federal Income Tax Refunds

Notwithstanding single/joint tax filing status, the Debtor may annually retain the greater of (1) any earned income tax credit and/or additional child tax credit or (2) \$3,000 of any federal income tax refund for maintenance and support pursuant to \$1325(b)(2) and shall turnover any balance in excess of such amount to the Trustee. Unless otherwise ordered by the Court, tax refunds turned over to the Trustee shall be distributed by the Trustee for the benefit of creditors. Any motion to retain a tax refund in excess of the amount set forth above shall be filed and served pursuant to LBR 9013-3(b).

#### 9. OTHER DUTIES OF THE DEBTOR

## 9.1 Change of Address, Employment, Marital Status, or Child or Spousal Support Payments

The Debtor shall fully and timely disclose to the Trustee and file any appropriate notice, application or motion with the Court in the event of any change of the Debtor's address, employment, marital status, or child or spousal support payments.

# 9.2 Personal Injury, Workers Compensation, Buyout, Severance Package, Lottery Winning, Inheritance, or Any Other Amount

The Debtor shall keep the Trustee informed as to any claim for or expected receipt of money or property regarding personal injury, workers compensation, buyout, severance package, lottery winning, inheritance, or any other funds to which the Debtor may be entitled or becomes entitled to receive. Before the matter can be settled and any funds distributed, the Debtor shall comply with all requirements for filing applications and/or motions for settlement with the Court as may be required by the Bankruptcy Code, the Bankruptcy Rules or the Local Bankruptcy Rules. Unless otherwise ordered by the Court, these funds shall be distributed by the Trustee for the benefit of creditors.

### 9.3 Social Security

The Debtor shall keep the Trustee informed as to any claim for or expected receipt of social security funds.

#### 10. INSURANCE

#### 10.1 Insurance Information

As of the petition date, the Debtor's real and/or property is insured as follows.

Property Address/Description	Insurance Company	Policy Number	Full/Liability	Agent Name/Contact Information
6517 Greentree Drive, Cincinnati, OH 45224	Allstate	980938719	Full	Allstate Fire and Casualty Insurance Company Jay Lewis Presley 9403 Kenwood Rd. A102 Cincinnati, OH 45242 (513) 791-2660
2002 Chevrolet Cavalier	Allstate	980969176	Full	Allstate Fire and Casualty Insurance Company Jay Lewis Presley 9403 Kenwood Rd. A102 Cincinnati, OH 45242 (513) 791-2660
2002 Buick Lesabre	Allstate	980969176	Full	Allstate Fire and Casualty Insurance Company Jay Lewis Presley 9403 Kenwood Rd. A102 Cincinnati, OH 45242 (513) 791-2660

# 10.2 Casualty Loss Insurance Proceeds (Substitution of Collateral)

If a motor vehicle is deemed to be a total loss while there is still an unpaid claim secured by the motor vehicle, the Debtor shall have the option to use the insurance proceeds to either (1) pay off the balance of the secured claim through the Trustee if the secured creditor is a named loss payee on the policy or (2) upon order of the Court, substitute the collateral by purchasing a replacement motor vehicle. If a replacement motor vehicle is purchased, the motor vehicle shall have a value of not less than the balance of the unpaid secured claim, the Debtor shall ensure that the lien of the creditor is transferred to the replacement motor vehicle, and the Trustee shall continue to pay the allowed secured claim. Unless otherwise ordered by the Court, if any insurance proceeds remain after paying the secured creditor's claim, these funds shall be distributed by the Trustee for the benefit of creditors.

#### 11. EFFECTIVE DATE OF THE PLAN

The effective date of the Plan is the date on which the order confirming the Plan is entered.

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# 12. VESTING OF PROPERTY OF THE ESTATE

Unless checked below, property of the estate does not vest in the Debtor until the discharge is entered. The	e
Debtor shall remain responsible for the preservation and protection of all property of the estate.	

Debtor shall remain responsible for the preservation and protection of an property of the estate.		
☑ Confirmation of the Plan vests all property of the estate in the Debtor in accordance with §§ 1327	b) and (	c).
□ Other		
13. NONSTANDARD PROVISIONS		
The nonstandard provisions listed below are restricted to those items applicable to the particular circ the Debtor. Nonstandard provisions shall not contain a restatement of the Bankruptcy Code, the Ban the Local Bankruptcy Rules or the Mandatory Chapter 13 Form Plan. Any nonstandard provision plain this Plan is void and shall have no binding effect.	cruptcy F	Rules,
Nonstandard Provisions		

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By filing this Plan, the Debtor, if unrepresented by an attorney, or the Debtor's Attorney certifies that (1) the wording and order of provisions of this Plan are identical to those contained in the Mandatory Form Chapter 13 Plan adopted in this District and (2) this Plan contains no nonstandard provisions other than those set forth in Paragraph 13.

/s/ Steven V. Sorg, Esq.	
Date: 08/02/17	
Debtor	Joint Debtor
/s/ Martino M. Wilson	/s/
Date: 08/02/17	Date:

Debtor's Attorney

#### NOTICE OF AMENDED CHAPTER 13 PLAN

The Debtor has filed an Amended Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief sought in the Amended Plan, then on or before **twenty-one** (21) days from the date set forth in the certificate of service for the Amended Plan, you must file with the Court an objection to confirmation explaining your position by mailing your objection by ordinary U.S. Mail to: Clerk, U.S. Bankruptcy Court, Atrium Two Suite 800, 221 East Fourth Street, Cincinnati OH 45202

OR your attorney must file an objection using the Court's ECF System.

The Court must receive your objection on or before the above date.

You must also send a copy of your objection by ordinary U.S. Mail to:

Martino M. Wilson, 6517 Greentree Drive, Cincinnati, OH 45224

If you or your attorney do not takes these steps, the Court may decide that you do not oppose the Amended Plan and may enter an order confirming the Amended Plan without further hearing or notice.

## **Certificate of Service**

I hereby certify that a copy of the foregoing Plan was served (i) **electronically** on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the Court and (ii) by **ordinary U.S. Mail** on <u>Aug 2, 2017</u> addressed to:

Martino M. Wilson 6517 Greentree Drive Cincinnati, OH 45224

Aqua Finance Inc 1 Corporate Dr Wausau, WI 54401

Belden Jewelers/Sterling Jewelers, Inc Attn: Bankruptcy Po Box 1799 Akron, OH 44309

Best Buy Credit Services P.O. Box 78009 Phoenix, AZ 85062

Capital One

Attn: General Correspondence/Bankruptcy Po Box 30285 Salt Lake City, UT 84130

Capital One / Menard Attn: General Correspondence/Bankruptcy Po Box 30285 Salt Lake City, UT 84130

Citibank / Sears Citicorp Credit Services/Attn: Centraliz Po Box 790040 Saint Louis, MO 63179

Citibank North America Citicorp Credit Srvs/Centralized Bankrup Po Box 790040 Saint Louis, MO 63179

Citibank/The Home Depot Citicorp Cr Srvs/Centralized Bankruptcy Po Box 790040 S Louis, MO 63129

City of Cincinnati Finance & Budget 805 Central Ave. Suite 600 Cincinnati, OH 45202

Comenitycapital/gmstop Comenity Bank Po Box 182125 Columbus, OH 43218

Firts Premier Bank 601 S Minneapolis Ave Sioux Falls, SD 57104

Joseph C. Neff, Esq. Assistant City Solicitor

224 City Hall, 801 Plum St. Cincinnati, OH 45202

Paula Boggs Muething City Solicitor 224 City Hall, 801 Plum St. Cincinnati, OH 45202

PayPal Credit P.O. Box 105658 Atlanta, GA 30348

Synchrony Bank/Sams Po Box 965060 Orlando, FL 32896

T-Mobile P.O. Box 742596 Cincinnati, OH 45274

Target C/O Financial & Retail Srvs Mailstopn BT POB 9475 Minneapolis, MN 55440

Time Warner Cable SWO Division P.O. Box 1060 Carol Stream, IL 60132

US Bank/Rms CC Card Member Services Po Box 108 St Louis, MO 63166

Wells Fargo Bank Card Mac F82535-02f Po Box 10438 Des Moines, IA 50306

Wells Fargo Home Mortgage 8480 Stagecoach Cir Frederick, MD 21701

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/s/			
(Name)			